

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Alberto De La Torre Quiles

v.

Civil No. 14-cv-525-JL

Federal Government

REPORT AND RECOMMENDATION

Alberto De La Torre Quiles has filed a complaint (doc. no. 1), alleging that the defendant has violated his civil rights. As plaintiff is proceeding pro se and in forma pauperis, the matter is here for preliminary review pursuant to 28 U.S.C. § 1915(e) (2) and LR 4.3(d) (2).

Standard

In determining whether a pro se pleading states a claim, the court construes the pleading liberally. See Erickson v. Pardus, 551 U.S. 89, 94 (2007). Disregarding any legal conclusions, the court considers whether the factual content in the pleading and inferences reasonably drawn therefrom, taken as true, state a facially plausible claim to relief. Hernandez-Cuevas v. Taylor, 723 F.3d 91, 102-03 (1st Cir. 2013) (citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)).

Background¹

Construing the complaint liberally, plaintiff appears to allege that entities associated with the federal government have been following him constantly since 1996, and incarcerated him for thirty months for a crime he did not commit. Plaintiff claims that the federal government has him under investigation and that undercover agents are trying to make him disappear. He sues in an effort to cease this alleged harassment.

Discussion

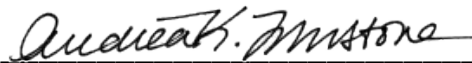
Plaintiff's allegations are vague and conclusory. Further, the complaint does not state sufficient facts which, accepted as true, would allow the court to reasonably infer that plaintiff has asserted any colorable claim upon which relief might be granted. See Hernando-Cuevas, 723 F.3d at 102. The complaint should therefore be dismissed in its entirety.

Conclusion

For the foregoing reasons, the court recommends that the

¹Plaintiff has previously filed a case very similar to this one in this court in 2011, which was dismissed as frivolous. See De La Torre v. F.B.I., No. 11-cv-584-JD, 2012 WL 2368773, at *1 (D.N.H. June 20, 2012), approving report and recommendation, 2012 WL 2834965 (D.N.H. May 17, 2012). Further, plaintiff, who resides in California, has recently had a very similar action dismissed there. See De La Torre Quiles v. United States, No. 2:15-cv-0489-KJM-KJN PS (E.D. Cal. Apr. 14, 2015).

district judge dismiss the complaint in its entirety.² Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the District Court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010).



Andrea K. Johnstone
United States Magistrate Judge

May 14, 2015

cc: Alberto De La Torre-Quiles, pro se

²Also issued this date is a Report and Recommendation after preliminary review in another pending case plaintiff has filed in this court, De La Torre Quiles v. N.H. Police Dep't, No. 14-cv-545-PB.